

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF SOUTH CENTRAL BELL)	
TELEPHONE COMPANY FOR AN EXEMPTION)	CASE NO.
FROM THE REGULATION FOR)	92-354
TELEMESSAGING SERVICES)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed March 22, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its response to Item 10 of the Commission's Order of March 1, 1993 on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

Item 10 of the Commission's Order of March 1, 1993 requests data concerning services with which South Central Bell's MemoryCall Service is competitive. In response to that request, South Central Bell has furnished two documents: (1) a survey of voice mail offerings by telephone answering services, and (2) a matrix recently prepared by South Central Bell which shows competitive services in each market. By this petition, South Central Bell seeks to protect this information as confidential.

The information sought to be protected is not known outside of South Central Bell and is known only to those South Central Bell employees who have a legitimate business need to know and act upon

the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The survey of voice mail offerings by telephone answering services is a list of seven companies offering voice mail service in the Louisville area and the prices they charge for the service. The identity of these companies is readily available from many sources, including yellow page advertisements. Likewise, the fees they charge can be obtained from the companies themselves. Therefore, the information is not confidential and is not entitled to protection by this Commission.

The matrix prepared by South Central Bell of services competitive with its voice mail offerings is a detailed analysis of services and products competing with South Central Bell for this market. The analysis compares the services and products available in nine market segments to the service offered by South Central Bell in those segments. The compilation of the information in the form contained in the matrix required the expenditure of time and effort on the part of South Central Bell and its disclosure in its present form would be of significant value to the competitors described in the analysis. Therefore, while the information upon which the analysis is based was obtained from public sources, competitors should not be allowed to benefit from South Central Bell's efforts in compiling that information in this form filed with the Commission. Therefore, the information has competitive value and should be protected from disclosure.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

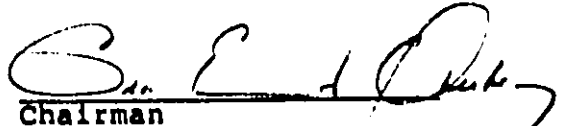
1. The petition to protect as confidential the matrix of services competitive with South Central Bell's voice mail service, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. The petition to protect as confidential the survey of voice mail offerings by telephone answering services be and is hereby denied.

3. The survey of voice mail offerings shall be held and retained by this Commission as confidential for a period of 20 days from the date of this Order, at the expiration of which it shall be placed in the public record.

Done at Frankfort, Kentucky, this 3rd day of May, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director